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INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY

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C O N F I D E N T I A L SECTION 01 OF 02 WARSAW 000564

SIPDIS

EUR FOR DAS GARBER, OSD FOR DASD TOWNSEND

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TAGS: [MARR](#) [PREL](#) [PL](#)

SUBJECT: POLISH EXPECTATIONS: FROM PATRIOT TO SOFA

REF: A. MAY 29 2009 LETTER FROM FM SIKORSKI TO S

[1](#)B. IIR 6 878 0169 09

Classified By: DCM Quanrud for reasons 1.4 b and d

[1](#)1. (C) SUMMARY: In a June 2 meeting with DCM, Deputy Defense Minister Stanislaw Komorowski reiterated his government's belief (articulated in writing for the first time in reftel A) that it had been promised an operational U.S. Patriot battery. Referring to the public back and forth on the Patriots over the past two weeks, Komorowski suggested both sides retreat publicly behind a general reference to the U.S. commitment in last August's Strategic declaration to work with Poland to modernize its defenses, and stay away from specifics regarding the Patriot rotation. He acknowledged the need for Poland to move forward with its own Patriot purchase and the positive impact this would have on disclosure and related issues, but noted it would be easier to do so if the Finance Working Group (FWG) were farther along in its thinking. He welcomed the prospect of a Patriot Site Survey team from Germany and awaits a firm date for that visit.

2, (C) Summary continued. With regard to next week's SOFA plenary in Warsaw, Komorowski said he had just briefed his inter-agency team to look for brackets that could be eliminated quickly during this week's working group meetings. He meets with the FM, MOD, and DFM Kremer June 3 to review the talks. He still hopes to conclude by the end of July, if not earlier, and expects the agreement will go before the Sejm after the August recess. On passage prospects, Komorowski was optimistic that the SoFA would pass quickly -- after one month to six weeks of debate. He expects support to be widespread in the Sejm, although he did not preclude that one party faction or another might grandstand on specific issues, thereby causing delays. END SUMMARY.

[1](#)3. (C) The Polish press has been rife the past week with reports (sourced to US official statements and leaks) that Poland will receive "naked" Patriots, or Patriots "without warheads." The previous week had been filled with reports (sourced to Komorowski) regarding the size of the expected US contingent accompanying the Patriot rotation to Poland and even the number of missiles associated with a Patriot battery. DCM reminded Komorowski that we are still in an early stage of discussion about the Patriot rotation, and that the first phase would focus on training, as the President had told Prime Minister Tusk and President Kaczynski. "Live" training was rarer than he might think, and a good deal/good deal of clarity was needed before either side would be in a position to discuss live fire, training or otherwise. Polish military access to the Patriot battery itself involved yet another complex set of issues that were still unaddressed. Those issues include legal disclosure restrictions, the resolution of which could hinge to a large

degree on Poland's purchase of its own Patriots. DCM urged the GoP to renew its Letter of Request for Patriot pricing and availability, and noted recent industry reports of an up-tick in demand for Patriots in the wake of the North Korean nuclear test, which was impacting both price and delivery dates.

¶4. (C) Komorowski acknowledged that enhancing Poland's air defenses would be a gradual process; that in the early stages training would be the most important component; and that this would likely start with side-by-side exercises where each side manned its own equipment. In the long run, however, the U.S. Patriot rotation could not be limited to this kind of side-by-side training, he emphasized. There was a political understanding from the earliest discussions last year that the U.S. would provide a full-fledged battery that could be put into action if necessary, but would also be on call for its primary USG missions. Prime Minister Tusk believed Patriot is part of the U.S. commitment to help Poland improve its air defense system. It would not be politically acceptable for Poland to be given a toy just to look at or play with -- at some point the battery had to become operational -- and the Polish preference would be for that to happen from day one. Komorowski accepted that there are legal, rather than policy restrictions that limit Polish access to U.S. Patriots during training. Poland will buy its own Patriots, although not this year or next, due to the budget situation. Further FWG discussions were needed to gauge possible U.S. assistance under the terms of the Declaration. In response, DCM reminded that while the FWG could help sort through options, the bulk of the burden for a Patriot purchase would lie with Poland.

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¶5. (C) With regard to the June 8-10 SOFA plenary negotiations in Warsaw, Komorowski acknowledged that there were still many areas of disagreement, but characterized these as mostly technical, and easy to resolve. Komorowski repeated that his goal for the plenary was to produce a smooth text with only three to five bracketed areas of disagreement that could then be sent to either the Foreign Minister or the Prime Minister for political-level resolution. He said he had briefed his interagency team June 1, and was to speak with Defense Minister Bogdan Klich, Foreign Minister Radoslaw Sikorski, and co-negotiator Deputy Foreign Minister Kremer on June 3 about preparations for the upcoming plenary.

¶6. (C) With respect to ratification, Komorowski was still confident about passage, but slightly less so than in previous conversations (perhaps because the SOFA would not be bundled with the Ballistic Missile Defense Agreement (BMDA) in the ratification process, as originally planned). He repeated the timetable he had outlined before, which called for submission to the Sejm following the August recess, with passage taking a month to six weeks. Asked if the agreement could get caught up in politics, Komorowski did not preclude the possibility, but thought it unlikely. In that unlikely event, ratification could get drawn out "for months."

¶7. (C) COMMENT. As Komorowski's remarks suggest, there is great and growing concern within the GoP about whether Patriot will eventually be "live" and therefore contribute to Polish air defenses - and there are likely domestic political costs if it is not. The Polish Government still appears determined to acquire this system for itself, although its ability to pay is an issue for out-year budget cycles. Komorowski understands that there are still a number of significant issues to work out, and that the public discourse of the past two weeks has been unhelpful to both sides. While our interagency process has been robust, the Poles are not privy to our thinking, and the silence is starting to bring on mini-eruptions -- like the FM's letter to the Secretary. That letter was clearly in response to the uncomfortable position Prime Minister Tusk found himself in

when the media confronted him with the naked missiles story.
The Sikorski letter does not change what we already knew
full-well: we have a large expectation gap that will require
some sensitivity to bridge. This meeting suggests we can/can
manage this issue to the benefit of both sides, and that we
should try and keep the conversation as private as possible.
END COMMENT.
ASHE